

## REMARKS

This application has been reviewed in light of the Office Action dated October 19, 2006. Claims 1-23 are presented for examination, with Claims 1, 12, and 23 being independent. Claims 1-21 and 23 have been amended to define more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1, 2, 4, 6, 11-13, 15, 17, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,094,277 (Toyoda) in view of U.S. Patent 6,424,996 (Killcommons), and further in view of U.S. Patent 6,101,244 (Okada); Claims 3, 8-10, 14, and 19-21, as being obvious from *Toyoda* in view of *Killcommons* and *Okada*, and further in view of U.S. Patent 6,868,183 (Kodaira); Claims 5 and 16, as being obvious from *Toyoda* in view of *Killcommons* and *Okada*, and further in view of JP 411196218A (Kaneya); and Claims 7 and 18, as being obvious from *Toyoda* in view of *Killcommons* and *Okada*, and further in view of U.S. Patent 6,243,174 (Fukasawa).

The present invention relates to a communications apparatus and method for use in transmitting an image as an attachment to an electronic mail. In response to the apparatus receiving a notification of an error indicating that a size of a transmitted electronic mail is too large, the transmitted electronic mail is converted by the apparatus to a smaller size and retransmitted.

Claim 1 is directed to a communication apparatus including connecting means, input means, transmitting means, receiving means, analyzing means, converting means, and control means. The connecting means connects the communication apparatus to a communication network containing an electronic mail exchange device. The input

means inputs image data representing an image, and the transmitting means transmits an electronic mail, to which the inputted image data is attached, via the connecting means. The receiving means receives an electronic mail as notification of an error, via the connecting means, and the analyzing means analyzes the received electronic mail as notification of the error. The converting means converts a size of the image data, inputted by the input means, into a smaller size according to an analysis result obtained by the analyzing means. The control means automatically carries out a controlling operation so as to retransmit the electronic mail, to which the image data with the size thereof converted by the converting means is attached, by the transmitting means, in response to the receiving means receiving the electronic mail for notifying the error which indicates that the size of the electronic mail transmitted by the transmitting means is too large.

Notably, in the communication apparatus of Claim 1, control means automatically carries out a controlling operation so as to retransmit an electronic mail which has been transmitted by transmitting means and to which image data with a size thereof converted by converting means into a smaller size is attached, by the transmitting means, in response to receiving means receiving an electronic mail as notification of an error which indicates that the size of the electronic mail transmitted by the transmitting means is too large.

By virtue of the features of the apparatus of Claim 1, when an electronic mail is received that notifies the communication apparatus of an occurrence of an error in the transmission of an electronic mail attached with image data, the error indicating that the transmitted electronic mail (the image data) is too large, the electronic mail is

automatically retransmitted to a receiving side<sup>1/</sup> after the image data attached to the transmitted electronic mail has been converted into a smaller size. This makes it possible for the communication apparatus to provide the receiving side with the image data through electronic mail without intervention from a user.

*Toyoda*, as understood by Applicant and discussed in the previous Amendment, relates to an Internet facsimile apparatus and e-mail communication method. Fig. 2 illustrates an outline of hardware making up an Internet FAX, which comprises CPU 20 that controls the operation of the entire apparatus, FAX 21 that performs FAX transmission/reception according to a normal facsimile protocol, printer 22, scanner 23 that scans a document and incorporates image information of the document, LAN interface section 24 that connects with the Internet, and ROM 25 that stores programs, etc., to operate as a normal facsimile. It further incorporates a RAM comprising program area 26 that stores a program to operate as an Internet FAX, work area 27, and data area 28. (See column 3, lines, 14-25.)

Data created or read in each of terminals connected to the Internet are transmitted to a target terminal via a mail server (see column 3, lines 33-35). After being converted into a file in a TIFF-F file format, image information is attached to E-mail (see column 3, lines 55-56). Header/IFD analysis section 5 decides whether there are any TIFF-F files from mail data stored in a data area of memory 4 (S1). When there is no TIFF-F file, Header/IFD analysis section decides whether any text is included in the

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<sup>1/</sup>The receiving side may be an apparatus on the other end of a communication network to which the communication apparatus is connected.

beginning of the E-mail (S2). When there is no text, header/IFD analysis section 5 notifies a type of error message corresponding to the case where there is neither a TIFF-F file nor text, to message ID/text extraction section 6. (See column 4, lines 16-23.)

*Killcommons*, as understood by Applicant and discussed in the previous Amendment, relates to a medical network system and a method for transfer of information. A processing unit 24 (see Fig. 2A) provides a mechanism to allow for the compression of data by a compression component 26 (see column 8, lines 11-13). To prepare a package for e-mailing, the compression component 26 of the processing unit 24 may further compress the package into a size that is optimal for e-mailing (see column 9, lines 50-52).

*Okada*, as understood by Applicant, relates to an electronic mail-capable communication terminal device and an electronic mail communication method. A facsimile machine prints out or displays a message such as "Subject: XXX resent" if image data is retransmitted because an electronic mail including the image data is returned as undeliverable due to the recipient address being incorrect (see column 8, lines 34-38).

In contradistinction to the apparatus of Claim 1, *Toyoda* discusses an Internet facsimile that transmits an error notification e-mail when an electronic mail attached with image data cannot be processed appropriately. Even the Internet facsimile discussed in *Toyoda* is deemed to have a function of error-notification mail transmission, however, in the apparatus of Claim 1, such function is achieved by the receiving side. Nothing in *Toyoda* would teach or suggest retransmission of the electronic mail attached with image data in response to a reception of an electronic mail for notifying an error indicating that the size of the transmitted electronic mail is too large, as recited in Claim 1.

*Killcommons* discusses compressing the size of medical data that is to be transmitted through e-mail into a size which is optimal for e-mailing; thus, the data compression is performed prior to the e-mail transmission of the medical data. Applicant submits that nothing has been found in *Killcommons* that would disclose or suggest retransmission of the medical data in response to an error-notification e-mail or automatically carrying out the data compression in response to a reception of an electronic mail for notifying an error indicating that the size of the transmitted electronic mail is too large.

The Office Action at page 4 concedes that *Toyoda* and *Killcommons* do not disclose retransmitting an electronic mail and points to *Okada* as allegedly disclosing control means that does so, citing col. 8, lines 37-39. *Okada* also is said to disclose that the control means retransmits the e-mail automatically (col. 8, lines 25-28) in response to receiving an e-mail notifying an error (col. 8, lines 14-15). The returned e-mail is considered an electronic mail for notifying an error because the e-mail was sent and marked undelivered (col. 7, lines 44-47).

In the *Okada* system, as discussed above and as understood by Applicant, an electronic mail is retransmitted as was originally sent without reducing its size, and the retransmission is performed in response to receiving the electronic mail marked undeliverable because the recipient address is incorrect.

Applicant submits that nothing has been found in *Okada* that would disclose or suggest the retransmission of an electronic mail converted to a smaller size in response to receiving an electronic mail for notifying an error indicating that the size of the

transmitted electronic mail is too large, as recited in Claim 1, much less means for doing so. In contradistinction to the apparatus of Claim 1, the system of *Okada* retransmits an electronic mail as was originally sent in response to receiving the electronic mail marked as undeliverable because the recipient address is incorrect.

Nothing in *Toyoda*, *Killcommons*, or *Okada*, whether considered separately or in any permissible combination (if any), would teach or suggest automatically carrying out a controlling operation so as to retransmit an electronic mail which has been transmitted by transmitting means and to which image data with a size thereof converted into a smaller size is attached, by the transmitting means, in response to receiving means receiving an electronic mail as notification of an error indicating that the size of the transmitted electronic mail is too large, as recited in Claim 1.

Accordingly, Claim 1 is seen to be clearly allowable over *Toyoda*, *Killcommons*, and *Okada*, whether considered separately or in any permissible combination (if any) .

Independent Claims 12 and 23 are method and program claims, respectively, corresponding to apparatus Claim 1, and are also believed to be patentable over *Toyoda*, *Killcommons* and *Okada*, for at least the reasons discussed above.

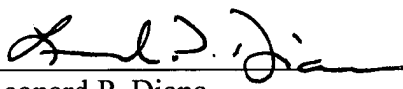
A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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